

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
SEC Greenspring Ave. & Baublitz Road
12545 Greenspring Avenue
4th Election District
3rd Councilmanic District
Evan C. Andres, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-399-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 40 ft. in lieu of the minimum required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

A Zoning Plans Advisory Committee comment (ZAC) from the Department of Public Works, Development Plan Review, has submitted a new comment dated July 26, 1993 modifying their former ZAC comment of May 28, 1993. Their findings reveal that since the Bureau of Highways and Traffic Control has made some improvements to the roads that front this property, there is no need to revise the site plan or to acquire any highway widening at this time.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of July, 1993 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 40 ft., in lieu of the minimum required 50 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
enc1.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 29, 1993

Mr. and Mrs. Evan C. Andres
12545 Greenspring Avenue
Owings Mills, Maryland 21117

RE: Petition for Administrative Zoning Variance
Case No. 93-399-AA
Property: 12545 Greenspring Avenue

Dear Mr. and Mrs. Andres:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
enc1.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

12545 GREENSPRING AVENUE

which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3.
To allow a side yard setback of 40' in lieu of the minimum required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. DUE TO THE ANGLE AT WHICH BAUBLITZ ROAD PROCEEDS ALONG THE EXISTING DWELLING, IT WOULD BE IMPRACTICAL TO MAINTAIN THE SETBACK WHILE GAINING THE DESIRED SQUARE FOOTAGE ON THE PROPOSED ADDITION

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zip Code

Use an attorney and/or other, under the penalties of perjury, that this is the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zip Code

12545 GREENSPRING AVENUE 356-3188
OWINGS MILLS, MD 21117 Phone No.

MARY PATRICIA ANDRES 356-3188
12545 GREENSPRING AVENUE Phone No.

356-0366

REVIEWED BY: [Signature] DATE: 5-14-93
ESTIMATED POSTING DATE: 6-1-93

Zoning Commissioner of Baltimore County

ITEM #: 412

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 12545 GREENSPRING AVENUE
OWINGS MILLS, MD 21117
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

DUE TO THE ANGLE AT WHICH BAUBLITZ ROAD PROCEEDS ALONG THE

EXISTING DWELLING, IT WOULD BE IMPRACTICAL TO MAINTAIN THE SETBACK WHILE GAINING THE DESIRED SQUARE FOOTAGE ON THE PROPOSED ADDITION.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature] [Signature]
EVAN C. ANDRES MARY PATRICIA ANDRES
(Type or print name) (Type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARY PATRICIA & EVAN C. ANDRES

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5-3-93

My Commission Expires: 1/25/95

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 12545 GREENSPRING AVENUE (address)
Election District 4 Councilmanic District 3

Beginning at a point on the NORTH EAST side of GREENSPRING (north, south, east or west)

AVENUE which is 40 FEET (number of feet of right-of way width)
(street on which property fronts)

wide at a distance of 20 FEET SOUTH of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street BAUBLITZ ROAD (name of street)

which is 40 FEET wide. *Being Lot # (number of feet of right-of-way width)

Block Section # in the subdivision of (name of subdivision)
as recorded in Baltimore County Plat

Book # Folio # containing
25608.69 ft² - .589 ACR. (square feet and acres)

AS RECORDED IN DEED

LIBER 5231, FOLIO 230

S 8° 16' 30" W. 214.60 ft. N 19° 20' W. 4.55 ft.,

N 19° 20' W. 105.45 ft. N 72° 22' 30" E. 196.39 ft.,

S 25° 09' E. 144.40 ft. to the place of beginning.

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Date 5-14-93

Item Number 412

MR + MRS. EVAN C. ANDRES
12545 Greenspring Ave.
(21117)

010 - Variance - \$50.00
080 - Sign + posting - 35.00
Total - \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th

Date of Posting 5/14/93

Posted for: Andres

Petitioner: Evan C. Andres

Location of property: 12545 Greenspring Ave., Owings Mills, Maryland

Location of Sign: Along road on property to be posted

Remarks: [Signature]

Posted by: [Signature]

Date of return: 5/14/93

Number of Signs: 1

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 4, 1993

Mr. and Mrs. Evan C. Andres
12545 Greenspring Avenue
Owings Mills, MD 21117

RE: Case No. 93-399-A, Item No. 412
Petitioner: Evan C. Andres, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Andres:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hek

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 28, 1993

(410) 887-4386

Mr. and Mrs. Evan C. Andres
12545 Greenspring Avenue
Owings Mills, Maryland 21117

RE: Petition for Administrative Variance
Property: 12545 Greenspring Avenue
Case No. 93-399-A

Dear Mr. and Mrs. Andres:

The Petition for Administrative Variance which you have filed in reference to the above case has been submitted to me for consideration. There has been no request for a public hearing on this matter; thus the case is ready for disposition.

However, attached herewith is a copy of comments submitted by the Zoning Plans Advisory Committee (ZAC); namely, the Department of Public Works and the Department of Environmental Protection and Resource Management which, I believe, is self explanatory. I would, therefore, appreciate your submitting a revised plat (copy of your present one attached for reference) which complies with the requests of these departments. After same has been accomplished, I will consider your Petition for Administrative Variance and issue my Order.

Please contact me if you have any questions regarding this Petition.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-20-93

Re: Baltimore County
Item No. * 412 (JTS)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: June 3, 1993

SUBJECT: 12545 Greenspring Avenue

INFORMATION:

Item Number: 412 93-399-A

Petitioner: Evan C. Andres and Mary P. Andres

Property Size: _____

Zoning: R.C. 5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: Jeffrey M. Yarr

Division Chief: Gary L. Kerns

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: May 26, 1993
FROM: Captain Jerry Pfeifer
Fire Department
SUBJECT: Comments for 06/01/93 Meeting

Item 371	No Comments
Item 406	No Comments
Item 407	No Comments
Item 408	No Comments
Item 409	No Comments
Item 410	Building shall be built in accordance with the 1991 Life Safety Code.
Item 411	No Comments
Item 412	No Comments
Item 413	No Comments
Item 415	If the building the canopy is attached to is sprinklered and the area under the canopy is to be used for storage, then the canopy would have to be sprinklered.

JP/dmc

RECEIVED
MAY 27 1993
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 28, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, Senior Engineer
Development Plan Review RWD/DNK

RE: Zoning Advisory Committee Meeting
for June 1, 1993
Item No. 412

The Development Plan Review Section has reviewed the subject zoning item. A 70-foot right-of-way for Greenspring Avenue and a 60-foot right-of-way for Baublitz Road need to be dedicated at this time. This is due to past safety issues experienced at this intersection.

The requested variances should be dimensioned after showing the ultimate rights-of-way on the plan.

RWB:DAK:s

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 1, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #412, Andres Property 93-399-A
12545 Greenspring Avenue
Zoning Advisory Committee Meeting of May 24, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Any structure must be a minimum of 20 ft. from the septic system and 30 ft. from the water well. An inspection of the well and septic systems may be required prior to building permit approval.

JLP:sp

ADRES/TXTSBB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner Schmidt Date: July 26, 1993

FROM: Robert W. Bowling
Development Plan Review

SUBJECT: Zoning Item #412
Mary and Evan Andres
12545 Greenspring Avenue
Case No. 93-399-A

ATTN: Marlene Novak



Since our previous comment on this item was written, the Bureau of Highways and Traffic Control has made some improvements to the roads that front this property. Therefore, we no longer see any need to revise the plan or to acquire any highway widening at this time.

RWB:DAK:pab

cc: Arnold Jablon
File

ZONIN412/PB_MEMO4

Baltimore County Government
Office of Zoning Administration
and Development Management

West Chesapeake Avenue
Towson, MD 21204

MAY 20, 1993 (410) 887-3353

Mr. and Mrs. Andrew
12545 Greenspring Avenue
Owings Mills, Maryland 21117

Re: CASE NUMBER: 93-399-A (Item 412)
12545 Greenspring Avenue
300 Greenspring Avenue and Baublitz Road
4th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before May 30, 1993. The closing date (June 14, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Bel John
Arnold Johns
Director

July 9, 1993

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Dear Mr. Schmidt:

I am writing to you in response to your letter regarding our petition of administrative variance case # 93-399-A.

The comments submitted by the Zoning Advisory Committee are unfortunately inaccurate and a letter from Mr. Dennis Kennedy of that committee stating the error is forthcoming. In regard to the Department of Public Works Environmental Protection and Resource Management comments involving the inspection of our well and septic systems, we gladly offer any inspection required upon building permit approval.

I felt it was necessary to also explain that the proposed structure will not be expanding our underground basement, and therefore interfering with our septic tank in that manner.

Sincerely,
Mrs. Mary Andrew
Mrs. Mary Andrew
12545 Greenspring Avenue
Owings Mills, MD 21117
home: 336-3188
work: 653-0366

RECEIVED
19 1993
ZONING COMMISSIONER

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 12545 GREENSPRING AVE

Subdivision name: NONE

Plot books: ☐ folios ☐ sold ☐ sections

OWNER: EVAN + MARY ANDRES

See pages 2 & 3 of the CHECKLIST for additional required information

BAUBLITZ
SUBJECT PROPERTY

105.415' N 19° 20' W
70'
24'-20'
60'
63'
525° 09' E 144.10'
GREENSPRING AVE (40' R/W, 30' PAVING)

PROPOSED 12' X 25' ADD. 20' HIGH
EXISTING DWEL NO. 12545 PERMIT
OPEN PORCH (52'-7')

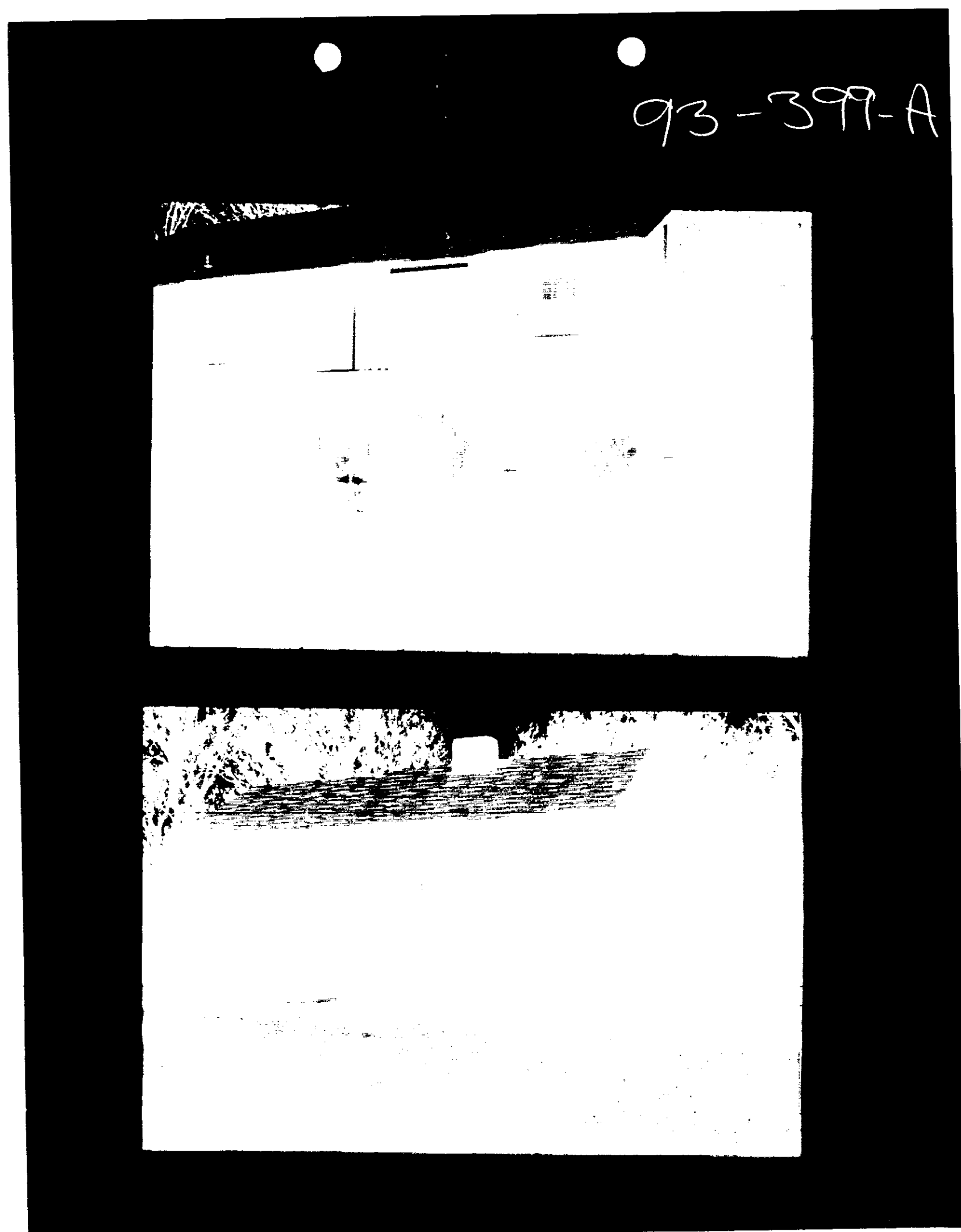
ELIZABETH GULL

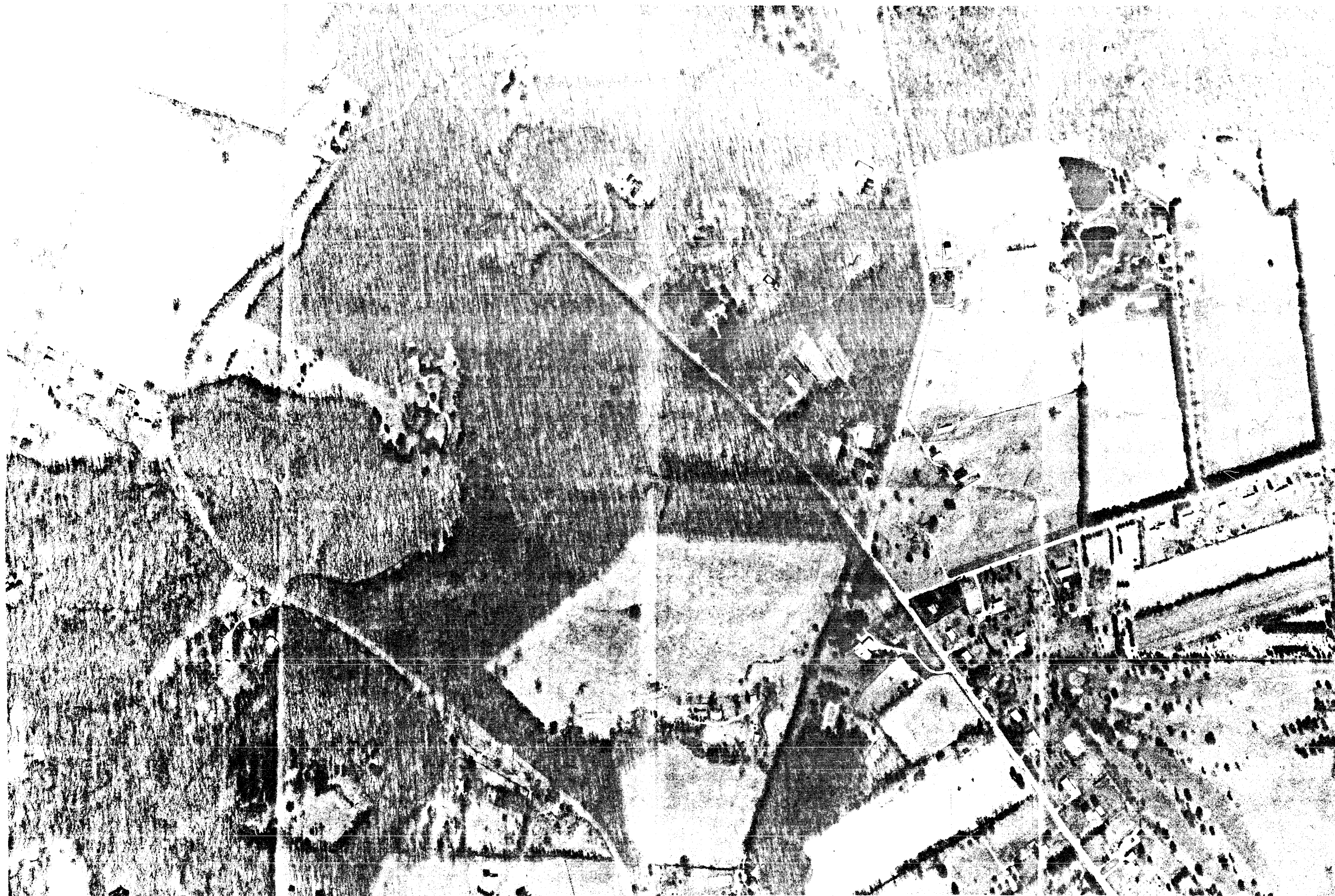
North
date: 5/2/93
prepared by: E. ANDRES Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Election District: 4
Councilmanic District: 3
T-200 scale map: NW-16G
Zoning: RC-5
Lot area: 587 25,608.69 square feet
BSEWER: ☐ WATER: ☐
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: *MM* ITEM #: 412 CASE#:





BALTIMORE COUNTY **93-399-A**
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF	NW
DATE	WORTHINGTON	16-G
OF		
PHOTOGRAPHY		
JANUARY		
1986		